

Message Text

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22

ACTION EA-09

INFO OCT-01 ISO-00 ONY-00 /010 W

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R 270941Z JUL 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8024

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FOR EA ONLY

E.O. 11652: N/A

TAGS: SREF, RP, US

SUBJECT: SENATOR BEALL'S QUERY ON SPECIAL LEGISLATION
FOR DR. GIL ERNESTO DE LOS REYES

1. EMBASSY HAS RECEIVED COPY OF INQUIRY FROM SENATOR J. GLENN BEALL CONCERNING SPECIAL LEGISLATION HE HAS BEEN ASKED TO INTRODUCE ON BEHALF OF DR. GIL ERNESTO DE LOS REYES. DR. DE LOS REYES CLAIMS HE WILL FACE POLITICAL PERSECUTION IF HE RETURNS TO THE PHILIPPINES. SENATOR BEALL'S LETTER OF JUNE 23 TO AMB MCCLOSKEY STATES HE REQUIRES INFORMATION AS EXPEDITIOUSLY AS POSSIBLE SINCE DR. DE LOS REYES' VISA EXPIRED JULY 1. SCA/VO PREPARED INTERIM REPLY DATED JUNE 30 INDICATING "AMERICAN CONSUL IN MANILA" WOULD BE REPLYING DIRECTLY TO SENATOR. VO REPLY HAD NO EA/PHL CLEARANCE ALTHOUGH SENATOR BEALL'S LETTER INDICATED HIS OFFICE HAD TALKED WITH EA/PHL.

2. IN VIEW OF SENATOR'S REQUEST FOR EXPEDITIOUS HANDLING OF CASE, WE PROPOSE DEPARTMENT TRANSMIT FOLLOWING LETTER TO SENATOR'S OFFICE: BEGIN TEXT: DEAR SENATOR BEALL: THIS REFERS TO YOUR LETTER OF JUNE 23 TO AMBASSADOR MCCLOSKEY AND HIS INTERIM REPLY OF JUNE 30 CONCERNING DR. GIL ERNESTO DE LOS REYES WHO HAS ASKED YOU TO INTRODUCE PRIVATE LEGISLATION ON HIS BEHALF. PARAGRAPH AS YOU ARE AWARE, MARTIAL LAW, FIRST IMPOSED IN SEPTEMBER 1972, CONTINUES IN FORCE IN THE PHILIPPINES
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WITH A CONSEQUENT INFRINGEMENT UPON CERTAIN FREEDOMS

AND LEGAL PRACTICES CUSTOMARY UNDER RULE OF LAW AND DEMOCRATIC PRINCIPLES. DR. DE LOS REYES SUGGESTED THAT HE WOULD FACE POLITICAL PERSECUTION SHOULD HE RETURN TO THE PHILIPPINES BECAUSE OF HIS ASSOCIATION WITH CERTAIN REFORMIST GROUPS DURING THE SIXTIES. OUR RECORDS INDICATE THAT DR. DE LOS REYES RECEIVED PERMISSION TO LEAVE THE COUNTRY IN JUNE 1973 NEARLY A YEAR AFTER THE DECLARATION OF MARTIAL LAW. IN THAT PERIOD THE GOVERNMENT'S BAN ON TRAVEL, PARTICULARLY FOR THOSE IT DEEMED TO BE SUBVERSIVE, WAS RIGIDLY ENFORCED. PRESUMABLY, IF DR. DE LOS REYES HAD BEEN SUSPECTED OF SUBVERSIVE ACTIVITIES, HE WOULD NOT HAVE BEEN PERMITTED TO LEAVE THE COUNTRY. MOREOVER, DR. DE LOS REYES WAS NOT INCLUDED IN THE LARGE NUMBER OF STUDENT ACTIVISTS, INTELLECTUALS, JOURNALISTS AND OTHERS WHO WERE DETAINED IN THE IMMEDIATE AFTERMATH OF MARTIAL LAW. THE NATIONAL YOUTH MOVEMENT WAS INDEED MAOIST-ORIENTED BY THE LATE SIXTIES, BUT WE NOTE DR. DE LOS REYES' ASSOCIATION WITH THE GROUP TERMINATED IN 1965, SEVEN YEARS PRIOR TO THE DECLARATION OF MARTIAL LAW. PARAGRAPH THE EMBASSY CAN NOT COMMENT ON THE CASE OF TWO OF DR. DE LOS REYES' HIGH SCHOOL FRIENDS WHO WERE ALLEGEDLY EXECUTED IN APRIL AND MAY 1975. IF WE HAD THEIR NAMES AS WELL AS DR. DE LOS REYES' UNDERSTANDING OF THE CIRCUMSTANCES, WE MIGHT BE ABLE TO COMMENT MORE MEANINGFULLY. SIMILARLY, DR. DE LOS REYES HAS FURNISHED NO PRECISE INFORMATION CONCERNING DR. ORLINDO TALENS. HE FAILS TO SPECIFY WHEN TALENS WAS INCARCERATED, HOW LONG, HIS CURRENT CIRCUMSTANCES, AND HIS OWN CONNECTION WITH TALENS. DR. DE LOS REYES ALSO OFFERS NO USEFUL INFORMATION CONCERNING THE PRESENT SITUATION OF, NOR DOES HE NAME, HIS TWO (PREVIOUSLY) INFLUENTIAL UNCLES. PARAGRAPH IN LIGHT OF THE ABOVE, THE EMBASSY DOES NOT BELIEVE THAT THE ACCOUNT PRESENTED BY DR. DE LOS REYES SUSTAINS THE CONTENTION THAT HE HAS CAUSE TO FEAR A THREAT OF POLITICAL PERSECUTION IN THE PHILIPPINES. IN ANY EVENT, IT IS NOT UNUSUAL FOR PROFESSIONALS IN DR. DE LOS REYES' POSITION TO ATTEMPT TO MAKE SUCH A CASE WITH A VIEW TO REMAINING IN THE UNITED STATES WITHOUT SUBMITTING TO CUSTOMARY IMMIGRATION PROCEDURES LIMITED OFFICIAL USE

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AND THE APPLICABLE VISA CONDITIONS. PARAGRAPH I TRUST THIS INFORMATION WILL BE OF USE TO YOU AND IF I CAN BE OF FURTHER ASSISTANCE, PLEASE LET ME KNOW. PARAGRAPH SINCERELY, LEE T. STULL, MINISTER-COUNSELOR, AMERICAN EMBASSY, MANILA. END TEXT.

3. WE LEAVE IT TO DEPARTMENT TO MODIFY AS IT DEEMS APPROPRIATE. AS FAR AS WE ARE AWARE, THIS IS FIRST

TIME VO HAS REFERRED CASE OF THIS TYPE TO EMBASSY
DIRECTLY FOR REPLY. IN EMBASSY'S VIEW, MORE PRACTICAL
APPROACH WOULD BE FOR VO TO TOUCH BASE WITH EA/PHL
WHICH CAN THEN DETERMINE WHETHER IT IS NECESSARY TO
CONTACT EMBASSY ON PARTICULARS CASE. CORRESPONDENCE
POUCHED EA/PHL.

4. PLEASE NOTE EA ONLY CAPTION.
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